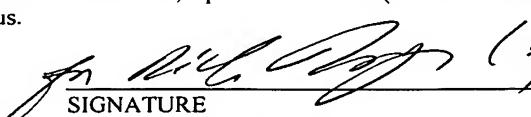| FORM PTO-1390 (REV. 10-2003)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 10191/3730
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) **10/524129**
INTERNATIONAL APPLICATION NO PCT/DE03/02172	INTERNATIONAL FILING DATE 30 June 2003 (30.06.03)	PRIORITY DATE CLAIMED: 10 August 2002 (10.08.02)

TITLE OF INVENTION

METHOD, COMPUTER PROGRAM AND OPEN- AND/OR CLOSED-LOOP CONTROL UNIT FOR OPERATING AN ACTUATOR HAVING A CAPACITATIVE ELEMENT, AND INTERNAL COMBUSTION ENGINE

APPLICANT(S) FOR DO/EO/US

KNICKER, Rainer; SCHULZ, Udo; HUBER, Andreas; RUEGER, Johannes-Joerg

Applicants herewith submit to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.

2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.

3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.

4. ☐ The US has been elected (Article 31).

5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))

    a. ☐ is attached hereto (required only if not communicated by the International Bureau).

    b. ☒ has been communicated by the International Bureau.

    c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).

6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).

    a. ☒ is attached hereto.

    b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).

7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))

    a ☐ are attached hereto (required only if not communicated by the International Bureau).

    b. ☐ have been communicated by the International Bureau.

    c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.

    d. ☒ have not been made and will not be made.

8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).

9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)) (unsigned).

10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.

12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.

13. ☒ A preliminary amendment.

14. ☐ An Application Data Sheet under 37 CFR 1.76.

15. ☒ A Substitute Specification and Marked-Up Version of the Substitute Specification

16. ☐ A power of attorney and/or change of address letter.

17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.

18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).

19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

20. ☒ Other items or information: International Search Report (translated), and Form PCT/RO/101.

Express Mail No.: EV 321888562 US

The PTO did not receive the following listed Item(s) _References of IDS_

           NYO 931086v1

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) **10/524129** INTERNATIONAL APPLICATION NO. PCT/DE03/02172	ATTORNEY'S DOCKET NUMBER 10191/3730

21. ☒ The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):

☒ Basic National Stage Fee $300.00

☒ National Stage Search Fee $400.00

☒ National Stage Examination Fee...$200.00

	CALCULATIONS	PTO USE ONLY
TOTAL ABOVE CALCULATIONS =	$900.00	
Surcharge of **$130.00** for furnishing the oath or declaration later than 30 months From the earliest claimed priority date (37 CFR 1.492(e)).	$	

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	15 - 20 =	0	X $50.00	$	
Independent Claims	4 - 3 =	1	X $200.00	$200	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ $360.00	$	
TOTAL OF ABOVE CALCULATIONS =				$1,100.00	
☐ Applicant claims small entity status. See 37 CFR 1. 27. The fees indicated above are reduced by 1/2.				$	
SUBTOTAL =				$1,100.00	
Processing fee of **$130.00** for furnishing the English translation later than 30 months From the earliest claimed priority date (37 CFR 1.492(f)).				$	
TOTAL NATIONAL FEE =				$1,100.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be Accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). **$40.00** per property +				$	
TOTAL FEES ENCLOSED =				$1,100.00	
				Amount to be Refunded:	$
				Charged	$1,100.00

a. ☐ A check in the amount of $_____ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. **11-0600** in the amount of **$1,100.00** to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **11-0600**. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING: Information on this form may become public. Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:
KENYON & KENYON
One Broadway
New York, New York 10004
CUSTOMER NO. 26646

SIGNATURE
Richard L. Mayer (Reg. No. 22,490)
NAME
2/10/05
DATE

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